

**RESPONSE DUE: June 18, 2019**

**OBJECTION**

COMES NOW, Michael G. Malaier, Chapter 13 Trustee, and hereby objects to Debtor's claimed exemptions pursuant to Fed. R. Bankr. P. 4003(b). Trustee makes this objection without limitation to those exemptions set forth on Schedule C of the bankruptcy schedules filed in this case. Trustee objects to specific exemptions as outlined in the table below as follows:

Description of property	Statute(s) Cited	Exemption Claimed	Petition Value	Trustee's Estimated Value
19623 139 <sup>TH</sup> St. E. Bonney Lake, WA	RCW §§ 6.13.010; 6.13.020; 6.13.030	\$125,000.000	\$487,249.00	Unknown

The property commonly known as 19623 139th St. E., Bonney Lake, Washington, does not qualify as debtor's homestead. The claimed exemption applies only to "real or personal property that the owner uses as a residence. In the case of a dwelling house or mobile home, the homestead consists of the dwelling house or the mobile home in which the owner *resides or intends to reside*" RCW § 6.13.010 (emphasis added). In the present case, the debtors reside at 11113 185<sup>th</sup> Ave. E., Bonney Lake, Washington. ECF # 1, pg. 2. Based on debtor's original plan, the intent was to surrender the property, not retain it as a residence. ECF # 2. Further, based on debtors amended plan (ECF #18), debtor's estranged husband is living in the property and making the payments on the loan. As such, the debtor is neither living in the home, nor does she intend to live in the home. Therefore, her claimed homestead exemption should be disallowed.

**DATED** this 28th Day of May 2019.

/s/ Matthew J.P. Johnson

Matthew J.P. Johnson, WSBA# 40476, for  
Michael G. Malaier, Chapter 13 Trustee

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**CERTIFICATE OF MAILING**

I certify under penalty of perjury under the laws of the United States that I caused to be mailed via regular mail a true and correct copy of Trustee's Objection to Exemptions and proposed Order to the following:

Amy Melissa Boyd  
11113 – 185<sup>th</sup> Ave. E.  
Bonney Lake, WA 98391

The following parties received Trustee's Objection to Exemptions and proposed Order via ECF:

Ellen Ann Brown  
Lesley Lueke  
U.S. Trustee

Executed at Tacoma, Washington this 28<sup>th</sup> day of May, 2019.

/s/ Tracy Maher  
Tracy Maher  
Motion Coordinator for  
Chapter 13 Trustee